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	APPLICATION NUMBER	FILING DATE		FIRST NAME	D APPLICANT		ATTY, DOCKET	NO	
	1	08/685.329	07/23/96	RAC	NUSE		E	1847/21	
							EXAMINER		
				18M1/0708					
	GOTTLIEB RACKMAN & REISMAN 270 MADISON AVENUE NEW YORK NY 10016-0601					ART UNIT	OH I HAP	ER NUMBER	
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							1802		
						DATE MAILED:		07/08/91	
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			OFFICE AC	TION S	SUMMARY				
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KI)	Responsive to commu	nication(s) filed on		//2.3/ /		<del>=</del>		·	
	This action is FINAL.		•						
	Since this application i					as to the merits	s closed in		
	accordance with the pr	•	-			,			
A sh	nortened statutory perion	od for response to the mailing date of the	this action is set to e	xpire	n respond within the	month(s), or			
the	application to become a 16(a).	abandoned. (35 U.	S.C. § 133). Extens	ions of ti	me may be obtained	d under the provisi	ons of 37 CF	R	
	position of Claims								
$\boxtimes$	Claim(s)		1-82			is/are pend	ling in the ap	plication.	
	Of the above, claim(s)								
	Claim(s)						_is/are allow		
$\exists$	Claim(s)	<u></u>				i	_is/are rejec s/are obiecte	aea. d to.	
$\boxtimes$	Claim(s)		1-82		are sub	ject to restriction o	r election rec	uirement.	
Арр	lication Papers								
	See the attached Notic	e of Draftsperson's	Patent Drawing Re	view, PT	O-948.				
	The drawing(s) filed or				is/are objected to	by the Examiner.			
=	The proposed drawing	•		······································		is approved	l 🗌 disap	proved.	
	The specification is obj The oath or declaration								
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	rity under 35 U.S.C. §								
	Acknowledgment is ma	ade of a claim for fo	reign priority under	35 U.S.C	. § 119(a)-(d).				
	All Some*	None of the Ci	ERTIFIED copies of	the prior	ty documents have	been			
	received.								
	received in Applica	ation No. (Series C	ode/Serial Number)			·			
			ation from the Interna				-		
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	Acknowledgment is ma	ade of a claim for de	omestic priority unde	r 35 U.S	.C. § 119(e).				
Atta	chment(s)								
	Notice of Reference Ci	ted, PTO-892							
	Information Disclosure	Statement(s), PTO	1-1449, Paper No(s).						
	Interview Summary, PT	O-413							
	Notice of Draftperson's	Patent Drawing Re	eview, PTO-948						
	Notice of Informal Pate	nt Application, PTC	)-152						

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES--

PTOL-326 (Rev. 9/96)

# U.S. GPO: 1996-404-496/40517

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## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-21, drawn to a method of producing a first layer electrode membrane,
     classified in class 427, subclass 58.
  - II. Claims 22-50, drawn to a method of producing a second layer electrode membrane, classified in class 435, subclass 4.
  - III. Claims 51-61, drawn to a method of producing a second layer electrode membrane, classified in class 427, subclass 58.
  - IV. Claims 62-82, drawn to a first layer membrane electrode combination and biosensor, classified in class 422, subclass 82.01.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Group I and II produce different products and thus have different effects.

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3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Group I and III produce different products and thus have different effects.

- 4. Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group I is not for making the apparatus/biosensor of Group IV.
- Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different effects. The methods of Groups II and III are directed to producing two different layered electrode membranes.
- 6. Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they

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have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group II is not for making the apparatus/biosensor of Group IV.

- 7. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. The process of Group III is not for making the apparatus/biosensor of Group IV.
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a diligently-filed petition under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

11. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Chris Chin whose telephone number is (703) 308-3991. The examiner can

normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be

reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Housel, can be reached on (703) 308-4027. The fax phone number for this

Group is (703) 308-4227 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-0196.

chin/cc

July 3, 1997

CHRISTOPHER L. CHIN

Christoph L. Chin

**GROUP 1800**